

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 220

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE DIVISION OF BUILDING SAFETY; AMENDING SECTION 39-4106, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO REVISE MEMBERSHIP OF THE IDAHO BUILDING CODE BOARD; AMENDING SECTION 39-4109, IDAHO CODE, TO ADOPT 2006 EDITIONS OF CERTAIN CODES, TO PROVIDE FOR ADOPTION OF SUBSEQUENT EDITIONS, TO MAKE A TECHNICAL CORRECTION, TO PROHIBIT CERTAIN AMENDMENTS, TO PROVIDE FOR AN EFFECTIVE DATE FOLLOWING CODE ADOPTION AND TO PROVIDE FOR HEARINGS; AMENDING SECTION 39-4116, IDAHO CODE, TO PROVIDE FOR ADOPTION OF CERTAIN CODES, TO PROVIDE PROVISIONS RELATING TO THE ADOPTION OF CERTAIN CODES BY LOCAL JURISDICTIONS AND TO PROVIDE FOR HEARINGS AND NOTICE; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-4106, Idaho Code, be, and the same is hereby amended to read as follows:

39-4106. IDAHO BUILDING CODE BOARD CREATED – MEMBERSHIP – APPOINTMENT – TERMS – QUORUM – COMPENSATION – MEETINGS. (1) The Idaho building code board is established within the division as an appeals, code adoption and rulemaking board, to be appointed by the governor, and shall consist of ~~nine~~ ten (10) members: one (1) member of the general public; one (1) local fire official; one (1) ~~registered~~ licensed engineer; one (1) licensed architect; two (2) local building officials, one (1) from a county and one (1) from a city; ~~one (1) homebuilder or general contractor~~ two (2) building contractors, one (1) residential contractor who is an active member of the Idaho building contractors association with construction knowledge based primarily on a work history of buildings regulated by the International Residential Code, and one (1) commercial contractor who is an active member of either the associated builders and contractors or the associated general contractors of America with construction knowledge based primarily on a work history of buildings regulated by the International Building Code; one (1) representative of the modular building industry; and one (1) individual with a disability from an organization that represents people with all types of disabilities. Board members shall be appointed for terms of four (4) years and until their successor has been appointed. Three (3) consecutive failures by a member to attend meetings of the board without reasonable cause shall constitute cause for removal of the member from the board by the governor. Whenever a vacancy occurs, the governor shall appoint a qualified person to fill the vacancy for the unexpired portion of the term.

(2) The members of the board shall, at their first regular meeting following the effective date of this chapter and every two (2) years thereafter, elect by majority vote of the members of

the board, a chairman who shall preside at meetings of the board. A majority of the currently appointed members of the board shall constitute a quorum.

(3) Each member of the board not otherwise compensated by public moneys shall be compensated as provided by section 59-509(h), Idaho Code, for each day spent in attendance at meetings of the board.

(4) The board shall meet for regular business sessions at the call of the administrator, chairman, or at the request of four (4) members of the board, provided that the board shall meet at least biannually.

SECTION 2. That Section 39-4109, Idaho Code, be, and the same is hereby amended to read as follows:

39-4109. APPLICATION OF CODES. (1) The following codes are hereby adopted ~~effective January 1, 2008~~, for the state of Idaho division of building safety and shall only be applied by local governments as prescribed by section 39-4116, Idaho Code:

(~~1a~~) The 2003~~6~~ International Building Code shall be in effect, until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the International Building Code as adopted and amended by the Idaho building code board through the negotiated rulemaking process as established in section 67-5221, Idaho Code, and as further provided in subsection (5) of this section and in accordance with subsections (2) and (3) herein shall be in effect:

(~~ai~~) Including appendices thereto pertaining to building accessibility;

(~~bii~~) Excluding the incorporated electrical codes, mechanical code, fuel gas code, plumbing codes, fire codes or property maintenance codes other than specifically referenced subjects or sections of the International Fire Code;

(~~ei~~iii) Including the incorporated International Residential Code, parts I, II, III, IV and IX; International Energy Conservation Code; and rules promulgated by the board to provide equivalency with the provisions of the Americans with disabilities act accessibility guidelines and the fair housing act accessibility guidelines shall be included; and

(~~di~~iv) Replacing section 903.2.7 of the 2003~~6~~ International Building Code with sections 903.2.7, 903.2.8 and 903.2.9 of the 2000 International Building Code, which pertain to fire sprinklers in group R occupancies.

(~~2b~~) The 2003~~6~~ International Residential Code as published by the International Code Council, except for parts V, VI, VII and VIII as they pertain to mechanical, fuel gas, plumbing and electrical requirements shall be in effect, until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the International Residential Code as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section shall be in effect;

(~~3c~~) The 2006 International Energy Conservation Code as published by the International Code Council shall be in effect, until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the International Energy Conservation Code as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section shall be in effect; and

(~~4d~~) The ~~existing~~ 2003~~6~~ International Existing Building Code as published by the International Code Council shall be in effect, until such time as a subsequent version

is adopted by the Idaho building code board, at which time the subsequent versions of the International Existing Building Code as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section shall be in effect.

(2) No amendments to the accessibility guidelines shall be made by the Idaho building code board that provide for lower standards of accessibility than those published by the International Code Council.

(3) No amendments to the International Residential Building Code shall be made by the Idaho building code board that provide for standards that are more restrictive than those published by the International Code Council.

(4) Any edition of the building codes adopted by the board will take effect on January 1 of the year following its adoption.

(5) In addition to the negotiated rulemaking process set forth in section 67-5221, Idaho Code, the board shall conduct a minimum of two (2) public hearings, not less than sixty (60) days apart. Express written notice of such public hearings shall be given by the board to each of the following entities not less than five (5) days prior to such hearing: associated general contractors of America, associated builders and contractors, association of Idaho cities, Idaho association of building officials, Idaho association of counties, Idaho association of REALTORS®, Idaho building contractors association, American institute of architects Idaho chapter, Idaho fire chiefs association, Idaho society of professional engineers, Idaho state independent living council, southwest Idaho building trades, Idaho building trades, and any other entity that, through electronic or written communication received by the administrator not less than twenty (20) days prior to such scheduled meeting, requests written notification of such public hearings.

SECTION 3. That Section 39-4116, Idaho Code, be, and the same is hereby amended to read as follows:

39-4116. LOCAL GOVERNMENT ADOPTION AND ENFORCEMENT OF BUILDING CODES. (1) Local governments enforcing building codes shall do so only in compliance with the provisions of this section. Local governments that have not previously instituted and implemented a code enforcement program prior to the effective date of this act may elect to implement a building code enforcement program by passing an ordinance evidencing the intent to do so. Local governments may contract with a public or private entity to administer their building code enforcement program.

(2) ~~By January 1, 2005,~~ Local governments that issue building permits and perform building code enforcement activities shall, by ordinance effective January 1 of the year following the adoption by the Idaho building code board, adopt the following codes as published by the International Code Council together with any amendments or revisions set forth in section 39-4109, Idaho Code, including subsequent versions of the International Building Code as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this chapter:

- (a) International Building Code, including all rules promulgated by the board to provide equivalency with the provisions of the Americans with disabilities act accessibility guidelines and the federal fair housing act accessibility guidelines;
- (b) International Residential Code, parts I-IV and IX; and
- (c) International Energy Conservation Code.

1 Local governments are not required by this chapter to adopt the other referenced codes in the
2 International Building Code.

3 (3) Local governments may amend by ordinance the adopted codes or provisions of
4 referenced codes to reflect local concerns, provided such amendments establish at least an
5 equivalent level of protection to that of the adopted building code. A local jurisdiction shall
6 not have the authority to amend any accessibility provision pursuant to section 39-4109, Idaho
7 Code, except as provided in subsection (3)(a) and (b) of this section.

8 (a) A local jurisdiction shall not have the authority to amend any accessibility provision
9 pursuant to section 39-4109, Idaho Code.

10 (b) A local jurisdiction shall not adopt any provision of the International Building Code
11 or International Residential Code or appendices thereto, that has not been adopted or
12 that has been expressly rejected or exempted from the adopted version of those codes
13 by the Idaho building code board through the negotiated rulemaking process as provided
14 in section 39-4109, Idaho Code. Provided however, that, after a finding by the local
15 jurisdiction that good cause exists for such an amendment to such codes and that such
16 amendment is reasonably necessary, a local jurisdiction may adopt such provision by
17 ordinance in accordance with the provisions of chapter 9, title 50, Idaho Code, and
18 provided further that such local jurisdiction shall conduct a public hearing and, provided
19 further, that notice of the time and place of the public hearing shall be published in
20 the official newspaper or paper of general circulation within the jurisdiction and written
21 notice of each of such public hearing and the proposed language shall be given by the
22 local jurisdiction to the local chapters of the entities identified in section 39-4109(5),
23 Idaho Code, not less than thirty (30) days prior to such hearing. In the event that
24 there are no local chapters of such entities identified in section 39-4109(5), Idaho Code,
25 within the local jurisdiction holding the hearings, the notice shall be provided to the state
26 associations of the respective entities.

27 (4) Local governments shall exempt agricultural buildings from the requirements of the
28 codes enumerated in this chapter and the rules promulgated by the board. A county may
29 issue permits for farm buildings to assure compliance with road setbacks and utility easements,
30 provided that the cost for such permits shall not exceed the actual cost to the county of issuing
31 the permits.

32 (5) Permits shall be governed by the laws in effect at the time the permit application is
33 received.

34 (6) The division shall retain jurisdiction for in-plant inspections and installation standards
35 for manufactured or mobile homes and for in-plant inspections and enforcement of construction
36 standards for modular buildings and commercial coaches.

37 SECTION 4. An emergency existing therefor, which emergency is hereby declared to
38 exist, this act shall be in full force and effect on and after its passage and approval.